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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,054	04/05/2007	Tadashi Fujii	FUJII9	4828
1444 7550 67/29/2911 67/29/2911 1625 K Street, N.W.			EXAMINER	
			ROYSTON, ELIZABETH	
Suite 1100 Washington, D	C 20006		ART UNIT	PAPER NUMBER
,			1747	
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### Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.	Applicant(s)	
10/591,054	FUJII ET AL.	
Examiner	Art Unit	
ELIZABETH ROYSTON	1747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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Status	
2a) 🗌 3) 🔲	Responsive to communication(s) filed on <u>17 November 2010</u> .  This action is <b>FINAL</b> . 2b) \( \bigcirc \) This action is non-final.  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.
Dispositi	on of Claims
5) □ 6) ☑ 7) □	Claim(s) 11.12 and 14-29 is/are pending in the application.  4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.  Claim(s) is/are allowed.  Claim(s) 14-29 is/are rejected.  Claim(s) is/are objected to.  Claim(s) is/are objected to restriction and/or election requirement.
Application	on Papers
10)	The specification is objected to by the Examiner.  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.
Priority u	nder 35 U.S.C. § 119
a)[	Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  ee the attached detailed Office action for a list of the certified copies not received.

# Attachment(s)

Notice of References Cited (PTO-892)	4) Interview Summary (PTO-413)	
Notice of Draftsperson's Fatent Drawing Review (PTO-948)	Paper Ne(s)/Mail Date	
Information Disclosure Statement(s) (PTO/SB/08)	<ol> <li>Notice of Informal Patent Application</li> </ol>	
Paper No(s)/Mail Date .	6) Other:	

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#### DETAILED ACTION

#### Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/17/2010 has been entered.

#### Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the first paragraph of 35 U.S.C. 112:
  - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 3. Claims 18 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the limitation of "length" is not supported by the language of the specification and is considered to be new matter. However, upon further consideration, the rejection of claims 18 and 19 under 35 USC 112 second paragraph made in the official action dated 6/23/2010 is withdrawn, as the

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width in question is understandable to one of ordinary skill in the art based on applicant's disclosure as cited on page 11 of the response filed 10/19/2010.

#### Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  - Determining the scope and contents of the prior art.
  - Ascertaining the differences between the prior art and the claims at issue.
  - Resolving the level of ordinary skill in the pertinent art.
  - Considering objective evidence present in the application indicating obviousness or nonobviousness.
- Claim 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer (US PN 5716570) in view of Komoda (US PN 4476080).

With regard to claim 14, Peiffer teaches a method for producing a multilayered unstretched film comprising heating and melting a first thermoplastic resin in a first extruder (figure 3, EXTR. 1), heating an melting an edge-forming thermoplastic resin in another extruder (figure 3, EXTR. 2), feeding the first heated and melted thermoplastic resin through a first melt supply duct, conveying the heated and melted edge-forming thermoplastic resin to a feed block (figure 3, item 6) through two other melt supply

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ducts, leading the edge-forming thermoplastic resin to both sides of the first thermoplastic resin through a first hole (figure 3, the intersection of the other two melt supply ducts for EXTR. 2 with feed block 6), wherein the first hole is formed on both sides of the lower part of the melt supply duct, and which holes are connected to the end of the other two melt supply ducts, widening the so-formed combination of the first thermoplastic resin and the edge-forming thermoplastic resin in a first manifold (figure 3, region of item 8), ejecting the thermoplastic resins through a die lip of a T-die (figure 3, item 8) onto a casting roll disposed below the T-die (col. 7, line 37-38).

Peiffer does not explicitly disclose heating and melting a second thermoplastic resin in a second extruder, leading the edge-forming thermoplastic resin to both sides of the second thermoplastic resin through a second hole, widening the second side-by-side combination of the second thermoplastic resin and the edge forming thermoplastic resin for edge part in a second manifold, or combining widened thermoplastic resins at a location immediately above a T-die and laminating the thermoplastic resins.

Komoda teaches heating and melting a second thermoplastic resin (col. 4, line 35, item 61) in a second extruder (item 11), leading the edge-forming thermoplastic resin (col. 4, line 45, item 62) to both sides of the second thermoplastic resin through a second hole (item 32A), widening the second side-by-side combination of the second thermoplastic resin and the edge forming thermoplastic resin for edge part in a second manifold (figure 2-3, section 43; col. 2, line 18-20), and combining the widened thermoplastic resins at a location immediately above a die (figures 2-3, items 43, 44; col. 4, line 24-28) and laminating the thermoplastic resins (figure 6).

Since Peiffer teaches heating and melting a thermoplastic resin in an extruder, leading an edge-forming thermoplastic resin to both sides of the thermoplastic resin through a hole, and widening the side-by-side combination of the thermoplastic resin and the edge forming thermoplastic resin for edge part in a manifold, and since Komoda teaches that it was known in the art at the time of the invention to edge thermoplastic resins with other thermoplastic resins, widen multiple layers of thermoplastic resins, and extrude the layers through a die in order to form a multilayered sheet, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the parts in the teaching of Peiffer so as to achieve multilayered extruded sheets.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the technique in the teaching of Komoda with the process in the teaching of Peiffer. The rationale to do so would have been the motivation provided by the teaching of Komoda, that to use such a system predictably results in the successful formation of multilayered multicomponent films (figure 6) comprising multiple resins with different desirable proprieties (col. 1, line 24-31), solving the problem of forming films from resins with varying (col. 1, line 58-63) and sometimes low (col. 1, line 14) thermal decomposition temperatures.

With regard to claims 18 and 19, Peiffer teaches the cross section of the edgeforming thermoplastic resin with uniform width (figure 3, item A12).

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 Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer (US PN 5716570) in view of Komoda (US PN 4476080), as applied for claim 14 above, and in further view of Cloren (US PN 4152387).

With regard to claim 16, Peiffer does not explicitly disclose at least one further extruder, melt supply duct, hole, or manifold, or the process associated therewith.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the extruder, melt supply duct, hole, manifold, and the process associated therewith in the teaching of Peiffer in view of Komoda, if such a three layered laminate was desired.

Alternatively, Cloren teaches at least one further extruder, melt supply duct, and manifold (figure 3; col. 7, line 50-58; col. 8, line 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include at least one further extruder, melt supply duct, and manifold in the process of Peiffer in view of Komoda. The rationale to do so would have been the motivation provided by the teaching of Cloren, that to use at least one further extruder, melt supply duct, and manifold predictably results in the successful formation of multi-layered resin laminates with adjustable layer properties (col. 2, line 57-63).

Although Cloren does not explicitly disclose at least one further hole, using the at least one further extruder, melt supply duct, and manifold of Cloren in the process of Peiffer in view of Komoda would have intrinsically required at least one further hole in order to successfully create the resin layer as in the teaching of Peiffer in view of Komoda.

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 Claims 20, 21, 24, and 25, and in the alternative claims 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer (US PN 5716570) in view of Komoda (US PN 4476080) and Cloren (US PN 4152387), as applied for claims 14 and 16 above, and in further view of Wenz (US PN 4731004).

With regard to claims 20 and 21, and in the alternative claims 18 and 19, Peiffer does not explicitly disclose rectangular supply ducts and holes.

Wenz teaches that using rectangular supply ducts and holes, including the lower parts of such ducts, when making multicomponent thermoplastic sheets was known in the art the time of the invention (Wenz: col. 3, line 4-7; figure 9a, item 62, 64, 66, and 68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use rectangular supply ducts and holes as in the teaching of Wenz in the process of Peiffer in view of Komoda and Cloren. The rationale to do so would have been the motivation provided by the teaching of Wenz, that to use such rectangular shapes predictably results in the formation of a film with controlled overlap of the resins (col. 3, line 30-42).

With regard to claims 24 and 25, Peiffer does not explicitly disclose the edgeforming thermoplastic resin is a colored thermoplastic resin.

Wenz teaches that a colored thermoplastic resin edge was known in the art at the time of the invention (col. 9, line 37-40; col. 10, line 1-5; figure 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a colored thermoplastic resin as in the teaching of Wenz in the process in the teaching of Peiffer in view of Komoda and Cloren. The rationale to do so would have been the motivation provided by the teaching of Wenz, that to have such a colored thermoplastic resin predictably results in the formation of colored plastic areas within thermoplastic resin sheets that are useful for backgrounds (col. 9, line 40-43).

 Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer (US PN 5716570) in view of Komoda (US PN 4476080) and Cloren (US PN 4152387), as applied for claims 14 and 16 above, and in further view of Okazaki (US PN 5389422).

With regard to claims 22 and 23, Peiffer does not explicitly teach the physical properties of the multiple resins.

Okazaki teaches that when making laminated thermoplastic resin films, the difference between the melt viscosities of the thermoplastic resins should be less than 2000 poise (col. 14, line 40), as measured at a shear rate of 200 sec <sup>-1</sup> (col. 20, line 8-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to keep the melt viscosities of the various resins in the teaching of Peiffer in view of Komodo within 2000 poise as measured at a shear rate of 200 sec <sup>-1</sup>. The rationale to do so would have been the motivation provided by the teaching of Okazaki, that to keep the melt viscosities within such a range when measured at such a shear

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rate predictably results in the formation of a film with a stable surface without irregularities in width (col. 14. line 40-43).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer
 (US PN 5716570) in view of Komoda (US PN 4476080) and Mori (JP 2003-291258).

With regard to claim 15, Peiffer teaches a method for producing a multilayered unstretched film comprising heating and melting a first thermoplastic resin in a first extruder (figure 3, EXTR. 1), heating an melting an edge-forming thermoplastic resin in another extruder (figure 3, EXTR. 2), feeding the first heated and melted thermoplastic resin through a first melt supply duct, conveying the heated and melted edge-forming thermoplastic resin to a feed block (figure 3, item 6) through two other melt supply ducts, leading the edge-forming thermoplastic resin to both sides of the first thermoplastic resin through a first hole (figure 3, the intersection of the other two melt supply ducts for EXTR. 2 with feed block 6), wherein the first hole is formed on both sides of the lower part of the melt supply duct, and which holes are connected to the end of the other two melt supply ducts, widening the so-formed combination of the first thermoplastic resin and the edge-forming thermoplastic resin in a first manifold (figure 3, region of item 8), ejecting the thermoplastic resins through a die lip of a T-die (figure 3, item 8).

Peiffer does not explicitly disclose heating and melting a second thermoplastic resin in a second extruder, leading the edge-forming thermoplastic resin to both sides of the second thermoplastic resin through a second hole, widening the second side-by-

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side combination of the second thermoplastic resin and the edge forming thermoplastic resin for edge part in a second manifold, or combining widened thermoplastic resins at a location immediately above a T-die and laminating the thermoplastic resins.

Komoda teaches heating and melting a second thermoplastic resin (col. 4, line 35, item 61) in a second extruder (item 11), leading the edge-forming thermoplastic resin (col. 4, line 45, item 62) to both sides of the second thermoplastic resin through a second hole (item 32A), widening the second side-by-side combination of the second thermoplastic resin and the edge forming thermoplastic resin for edge part in a second manifold (figure 2-3, section 43; col. 2, line 18-20), and combining the widened thermoplastic resins at a location immediately above a die (figures 2-3, items 43, 44; col. 4, line 24-28) and laminating the thermoplastic resins (figure 6).

Since Peiffer teaches heating and melting a thermoplastic resin in an extruder, leading an edge-forming thermoplastic resin to both sides of the thermoplastic resin through a hole, and widening the side-by-side combination of the thermoplastic resin and the edge forming thermoplastic resin for edge part in a manifold, and since Komoda teaches that it was known in the art at the time of the invention to edge thermoplastic resins with other thermoplastic resins, widen multiple layers of thermoplastic resins, and extrude the layers through a die in order to form a multilayered sheet, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the parts in the teaching of Peiffer so as to achieve multilayered extruded sheets.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the technique in the teaching of Komoda with the process in the

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teaching of Peiffer. The rationale to do so would have been the motivation provided by the teaching of Komoda, that to use such a system predictably results in the successful formation of multilayered multicomponent films (figure 6) comprising multiple resins with different desirable proprieties (col. 1, line 24-31), solving the problem of forming films from resins with varying (col. 1, line 58-63) and sometimes low (col. 1, line 14) thermal decomposition temperatures.

Peiffer in view of Komoda does not explicitly disclose ejecting the laminated thermoplastic resin onto a metal sheet disposed below the T-die.

Mori teaches multilayered (human translation, paragraph 36, film A, layer I and II) multicomponent (human translation, paragraph 36 and 37, films A and B, material of layers I and II and olefin monomer material of edge portions) laminated thermoplastic resin onto a metal sheet (paragraph 23) disposed below the T-die (paragraph 18, line 2)

It would have been obvious to one of ordinary skill in the art at the time of the invention to coat a metal sheet as in the teaching of Mori with the laminate in the teaching of Peiffer in view of Komoda. The rationale to do so would have been the motivation provided by the teaching of Mori, that to coat such a metal sheet predictably results in the formation of metal sheets that are suitable for use in metal cans (paragraph 1).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer
 (US PN 5716570) in view of Komoda (US PN 4476080) and Mori (JP 2003-291258), as applied for claim 15 above, and in further view of Cloren (US PN 4152387).

With regard to claim 17, Peiffer does not explicitly disclose at least one further extruder, melt supply duct, hole, or manifold, or the process associated therewith.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the extruder, melt supply duct, hole, manifold, and the process associated therewith in the teaching of Peiffer in view of Komodo and Mori, if such a three layered laminate was desired.

Alternatively, Cloren teaches at least one further extruder, melt supply duct, and manifold (figure 3; col. 7, line 50-58; col. 8, line 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include at least one further extruder, melt supply duct, and manifold in the process of Peiffer in view of Komodo and Mori. The rationale to do so would have been the motivation provided by the teaching of Cloren, that to use at least one further extruder, melt supply duct, and manifold predictably results in the successful formation of multi-layered resin laminates with adjustable layer properties (col. 2, line 57-63).

Although Cloren does not explicitly disclose at least one further hole, using the at least one further extruder, melt supply duct, and manifold of Cloren in the process of Peiffer in view of Komodo and Mori would have intrinsically required at least one further hole in order to successfully create the resin layer as in the teaching of Peiffer in view of Komodo and Mori.

 Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer (US PN 5716570) in view of Komoda (US PN 4476080), Mori (JP 2003-

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291258), and Cloren (US PN 4152387), as applied for claims 15 and 17 above, and in further view of Okazaki (US PN 5389422).

With regard to claim 26, Peiffer does not explicitly teach the physical properties of the multiple resins.

Okazaki teaches that when making laminated thermoplastic resin films, the difference between the melt viscosities of the thermoplastic resins should be less than 2000 poise (col. 14, line 40), as measured at a shear rate of 200 sec <sup>-1</sup> (col. 20, line 8-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to keep the melt viscosities of the various resins in the teaching of Peiffer in view of Komodo, Mori, and Cloren within 2000 poise as measured at a shear rate of 200 sec <sup>-1</sup>. The rationale to do so would have been the motivation provided by the teaching of Okazaki, that to keep the melt viscosities within such a range when measured at such a shear rate predictably results in the formation of a film with a stable surface without irregularities in width (col. 14, line 40-43).

13. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer (US PN 5716570) in view of Komoda (US PN 4476080), Mori (JP 2003-291258), and Cloren (US PN 4152387), as applied for claims 15 and 17 above, and in further view of Wenz (US PN 4731004).

With regard to claims 24 and 25, Peiffer does not explicitly disclose the edgeforming thermoplastic resin is a colored thermoplastic resin.

Wenz teaches that a colored thermoplastic resin edge was known in the art at the time of the invention (col. 9, line 37-40; col. 10, line 1-5; figure 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a colored thermoplastic resin as in the teaching of Wenz in the process in the teaching of Peiffer in view of Komoda and Cloren. The rationale to do so would have been the motivation provided by the teaching of Wenz, that to have such a colored thermoplastic resin predictably results in the formation of colored plastic areas within thermoplastic resin sheets that are useful for backgrounds (col. 9, line 40-43).

#### Response to Arguments

 Applicant's arguments filed 3/12/2010 have been fully considered but they are not persuasive.

With regard to applicant's argument that Peiffer in view of Komoda, and more specifically Komoda, does not teach edge resins, the examiner respecfully disagrees. Peiffer is relied upon to teach an extruded plastic sheet with edge resin portions. However, Peiffer does not explicitly disclose having multiple sheets with edge portions that are assembled within a die. Komoda teaches that having multiple sheets of a two component material were known to be assembled within a die. As stated in the previous official action dated 6/23/2010, it would have been obvious to form a multilayered sheet comprising the multicomponent sheet of Peiffer, as in the teaching of Komoda. The rationale to do so would have been the motivation provided by the teaching of Komoda, that to use multilayered sheets predictably results in the formation

of a compound plastic material that contains multiple desirable properties such as weather resistance, tensile strength, elongation, shearing strength, etc. instead of a single layer of material having a single property (col. 1, line 24-46). Since Peiffer teaches a plastic sheet for the purposes of a packing material, where properties such as tensile strength, elongation, shear strength, or tensile strength would be a consideration, it would have been obvious to one of ordinary skill in the art at the time of the invention to create a improve the plastic sheet by combining the method of forming a composite plastic sheet through the layering of multiple sheets of plastic with different desirable qualities as in the teaching of Komoda, with the method of forming plastic sheets with sacrificial edge portions in the teaching of Peiffer. Komoda is further relied upon to teach that it was known in the art at the time of the invention to accomplish the introduction of a secondary plastic material surrounding a first material in a die that formed a multilayered plastic sheet comprising multicomponent plastic layers via a second hole, where one reading the teaching of Komoda would appreciate that such a secondary hole allows for the surrounding resin material to be isolated from the primary resin material until being desirably converged into one melt stream (col. 4, line 45-67). As stated in the previous offical action dated 6/23/2010, since Peiffer teaches heating and melting a thermoplastic resin in an extruder, leading an edge-forming thermoplastic resin to both sides of the thermoplastic resin through a hole, and widening the side-byside combination of the thermoplastic resin and the edge forming thermoplastic resin for edge part in a manifold, and since Komoda teaches that it was known in the art at the time of the invention to edge thermoplastic resins with other thermoplastic resins, widen

multiple layers of thermoplastic resins, and extrude the layers through a die in order to form a multilayered sheet, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the parts in the teaching of Peiffer so as to achieve a multilayered sheet extruded from a die. Applicant's argument that Komoda fails to teach an edge-forming resin is unpersuasive as applicant's structure is already taught by Peiffer. Komoda is not relied upon to teach such a limitation, but is instead relied upon to teach that the convergance of multiple multicomponent resin sheets into a single sheet within a die was known in the art at the time of the invention as resulting in the successful manufacture of a plastic sheet with multiple properties.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH ROYSTON whose telephone number is (571)270-7654. The examiner can normally be reached on M-F 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. R./ Examiner, Art Unit 1747

/Richard Crispino/ Supervisory Patent Examiner, Art Unit 1747